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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,993	03/26/2004	James Jolly Clark	5853-00507	8498
35690	7590	05/31/2006	EXAMINER	
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.			HWU, DAVIS D	
700 LAVACA, SUITE 800			ART UNIT	
AUSTIN, TX 78701			PAPER NUMBER	

3752

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/809,993

Applicant(s)

CLARK ET AL

Examiner

Davis D. Hwu

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. Applicant's amendment and remarks of April 19, 2006 are acknowledged and entered.
2. Applicant's remarks have been considered but are moot in view of the new ground(s) of rejection.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

4. Claims 1-8, 10 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Addink et al. (US Patent 6,963,808) in view of Ton.

Addink et al. '808 discloses a water irrigation system comprising a computer system comprising regional evapotranspiration based on solar radiation, wherein the computer system assesses zonal evapotranspiration at least partially based on the solar radiation and wherein the computer system assesses an irrigation need of the zone to be irrigated as recited, assesses solar insolation and inhibits irrigation as recited (Column 6, lines 1-10). Ton teaches system to estimate evapotranspiration comprising a solar radiation detector 30 in which the system can be used in an irrigation system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used in the system of Addink et al. a solar radiation detector as taught by Ton to assess the evapotranspiration to determine irrigation requirements. Although Addink et al. and Ton do not disclose using a solar panel as the radiation detector, one

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having ordinary skill would recognize that solar panels can be used to detect solar radiation.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Addink et al. '808 in view of Ton as applied to claim 1 above, and further in view of Oliver.

Oliver teaches a water irrigation system comprising a computer system comprising regional evapotranspiration, wherein the computer system is configured to assess the irrigation need of a zone to be irrigated based on a type of vegetation in the zone. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the system of Addink et al. and Ton by incorporating the ability to assess the irrigation need of a zone based on a type of vegetation as taught by Oliver in order to optimize irrigation requirements in a zone.

6. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Addink et al. '808 in view of Ton as applied to claim 1 above, and further in view of Hopkins et al.

Hopkins et al. teaches a water irrigation system comprising a computer system comprising regional evapotranspiration, a sensing unit configured to assess climatological conditions near or in a zone to be irrigated and to provide output that is a function of the climatological conditions to the computer system, wherein the computer system is configured to assess zonal evapotranspiration at least partially based on the output provided by the sensing unit (Column 3, lines 64-65), and wherein the computer system is configured to assess an irrigation need of the zone to be irrigated at least partially based on the regional evapotranspiration and the assessed zonal

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evapotranspiration (Column 4, lines 65-68 and Column 5, lines 1-2). The irrigation also comprises one or more valves that are operated by the computer system as recited in claim 11. The device of Hopkins et al. is capable of carrying the methods as recited in claims 15-20. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated into the device of Addink et al. and Ton one or more valves operated by the computer system to control the amount of irrigation water.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis D. Hwu whose telephone number is 571-272-

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4904. The examiner can normally be reached on 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 571-272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Davis Hwu

  
**DAVIS HWU**  
**PRIMARY EXAMINER**